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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,529	07/16/2002	Joe Zock	P-6485	7316
28465	7590	03/21/2005	EXAMINER	
PIPER RUDNICK P. O. BOX 64807 CHICAGO, IL 60664-0807			SKAARUP, JASON M	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,529

Applicant(s)

ZOCK, JOE

Examiner

Jason Skaarup

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

~~A person shall be entitled to a patent unless—~~

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-22, 24-30 and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoseloff (WO 9855191 A1). This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to Applicant's remarks are provided below and incorporated herein.

Yoseloff discloses an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. Yoseloff discloses:

funds acceptance means for accepting funds from a player (see wager acceptor 16 of Fig. 1 along with the related description thereof);

funds delivery means responsive to the outcome of the game (see coin dispenser of Fig. 2 and receiving tray 28 of Fig. 1 along with the related descriptions thereof);

user interface means for allowing the user to interact with the game (see player controls 18 of Figs 1 and 2 along with the related description thereof);

game control means for controlling the operation of the game (see microprocessor MPU 20 of Fig. 2 along with the related description thereof), the game control means being responsive to the funds acceptance means, and including

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generator means for generating a plurality of winning object strings (see block 17 of Fig. 3 along with the related description thereof) from a set of objects (see page 14, lines 23-28 and symbols 46 of Fig. 4 along with the related description thereof); and

game display means controlled by the game control means and the user

interface means (see display screen 14 of Figs. 1 and 2 or display screen 30 of Fig. 4

along with the related descriptions thereof), the game display means including means for generating a plurality of legs (see rows of numbers 32, 34, 36, 38, 40 and 42 Fig. 4 along with the related descriptions thereof), with each leg being arranged to receive at least one object drawn from the set of objects (see block 15 of Fig. 3 along with the related description thereof),

wherein each leg has a winning object string associated with it (page 13, lines 3-10), with the game control means being arranged to sequentially compute a payout per leg in the event of a predetermined correlation existing between the at least one drawn object and the winning object string in respect of a particular leg (see block 21 of Fig. 3 along with the related description thereof) and to allow the player to select whether he or she wishes to: (a) receive the payout via cash out button 24 of Figure 1 or (b) receive at least a portion of the payout and to progress to the next leg or (c) progress to the next leg (see box 44 and display 48 of Fig. 4 along with the related description thereof).

Regarding claims 20 and 28, Yoseloff discloses odds varying means for enabling the player to vary the odds in a particular leg during play. See block 15 of Fig. 3 along with the related description thereof and page 10, lines 11-14 and page 14, lines 23-28.

Regarding claims 21 and 29, Yoseloff discloses drawn object varying means for dynamically varying the number of drawn objects in a leg during play. See page 14, lines 23-28 and block 15 of Fig. 3 along with the related description thereof, wherein the player selects a subset of X numbers to play.

Regarding claims 22 and 30, Yoseloff discloses object string varying means for dynamically varying the number of generated objects in the winning string which are to be correlated with the at least one drawn object during play. See page 14, lines 23-28 and block 17 of Fig. 3 along with the related description thereof, wherein the MPU selects a subset of Y winning symbols.

Regarding claim 24, Yoseloff discloses the drawn objects being player-designated or drawn. See page 14, lines 23-28 and block 15 of Fig. 3 along with the related description thereof, wherein the player selects a subset of X numbers to play.

Regarding claims 25 and 32, Yoseloff discloses the winning object strings being randomly or pseudo-randomly generated number strings, with the objects being numbered from 0 - 9. See page 15, lines 20-21 and block 17 of Fig. 3 along with the related description thereof, wherein the subset of Y winning symbols includes 0000-9999.

Regarding claims 26 and 33, Yoseloff discloses a printed ticket which is designed or selected by the player and printed prior to the payout being computed. See ticket 32 of Fig. 4 along with the related description thereof.

Additionally, Yoseloff discloses a gaming ticket as recited in claim 34. The gaming ticket comprises:

a wager indicator for indicating the quantum of a wager laid by a player (see display screen 14 of Figs. 1 and 2 or display screen 30 of Fig. 4 along with the related descriptions thereof which display credit or wagers accepted by the wager acceptor 16 of Fig. 1);

a customized betting zone (see ticket 32 of Fig. 4 along with the related description thereof) comprising a plurality of legs (see rows of numbers 32, 34, 36, 38, 40 and 42 Fig. 4 along with the related descriptions thereof), with each leg comprising a plurality of sub-zones in which objects pre-drawn by the player from a set of objects are printed; and

a dynamic withdrawal indicator (see display screen 14 of Figs. 1 and 2 or display screen 30 of Fig. 4 along with the related descriptions thereof which display withdrawals or cash outs indicated from the cash out button 24 of Fig. 1) for allowing the player wishes to: (a) receive the payout or (b) receive at least a portion of the payout and to progress to the next leg or (c) progress to the next leg (see box 44 and display 48 of Fig. 4 along with the related description thereof), the payout being computed in the event of a predetermined correlation existing between the at least one drawn object and a winning object string subsequently generated.

Regarding claim 35, Yoseloff discloses a results card for receiving the winning object string from the set of objects. See screen display 66 of Fig. 5 and the related description, wherein a video representation of a winning subset 54, 56, 58, 60 and 62 are displayed.

Regarding claim 36, Yoseloff discloses an odds varying indicator for indicating how the odds in a particular leg have been varied. See block 15 of Fig. 3 along with the related description thereof and page 10, lines 11-14 and page 14, lines 23-28.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff in view of Weiss (U.S. Patent No. 6,511,377). This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to Applicant's remarks are provided below and incorporated herein.

Yoseloff teaches an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. However, Yoseloff does not explicitly teach dynamic withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game as recited in claims 23 and 31. In a related gaming system, Weiss teaches withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game. See Col. 15, line 32 to Col. 16, line 34, wherein a withdraw screen including type of transaction (withdrawal) and transaction amount (amount of withdrawal as expressed by a player-determined percentage) and funds

available for withdrawal is displayed on a display. It would have been obvious for one skilled in the art at the time of the invention to incorporate the withdrawal selection menu of Weiss into the gaming system and method of Yoseloff to provide the player with increased cashier control and to provide the gaming establishment with withdrawal details for the player as desirably taught by Weiss.

Response to Arguments

5. Applicant's arguments filed January 3, 2005 have been fully considered but they are not persuasive. The Examiner's response to Applicant's arguments follows.

In view of Applicant's submission of the replacement drawing for Figure 2E, the Examiner's objection to this drawing is overcome. Additionally, in view of the amendments to claims 19 and 34, the Examiner withdraws the rejection of claims 19 and 34 under 35 U.S.C. 112, second paragraph.

Applicant argues that Stern is not valid prior art. The Examiner agrees with Applicant and has withdrawn the rejection of claims 19-22, 24-30 and 32-36 under 35 U.S.C. 102(e) and the rejection of claims 23 and 31 under 35 U.S.C. 103(a) accordingly.

Applicant argues that claims 19, 27 and 34 were amended to clarify and highlight that a user has more control in terms of when the game ends by providing additional player interaction in a wagering game and that those amendments distinguish claims 19-36 over Yoseloff. However, the Examiner respectfully disagrees that the amendments to claims 19, 27 and 34 distinguish claims 19-36 over Yoseloff for at least the reasons stated below.

As detailed above with respect to claims 19, 27 and 34, and as noted by Applicant, Yoseloff teaches a gaming system in which a player places a wager to participate in a game and thereafter selects a subset of x symbols to play. As described on page 9, lines 26-30, microprocessor 20 randomly selects a subset of y winning numbers after the player selects the subset of x symbols to play. The microprocessor then compares the set of x symbols to the set of y winning numbers to determine if any matches exist. If no matches exist, the game ends. However, if a predetermined number of matches occur, the player may select to receive a payout via cash out button 24. Thus, the player may select whether he or she wishes to: (a) receive the payout via cash out button 24 of Figure 1 or (b) receive at least a portion of the payout and to progress to the next leg or (c) progress to the next leg (see box 44 and display 48 of Fig. 4 along with the related description thereof). Furthermore, as described on page 13, lines 3-10, a single random selection of symbols ("a winning object string" determined by y winning numbers) determines the outcome of each game (wherein each game or leg is represented by a row of numbers 32, 34, 36, 38, 40 and 42 shown in Fig. 4 along with the related description thereof) played on a single video representation of ticket 32. Thus, Yoseloff discloses that each game or leg has a winning object string associated with it (wherein the same winning object string is associated with all games or legs in Yoseloff) and that the game control means (microprocessor 20) allows a player to at least select whether he or she wishes to receive the payout via cash out button 24. Therefore, the Examiner maintains the previous holdings from the prior action for claims 19-36 as amended.

Conclusion


6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is listed on the attached Notice of References Cited (PTO-892).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jason Skaarup whose telephone number is 571-272-4455. The Examiner can normally be reached on Monday-Thursday (6:00-4:00).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


JESSICA HARRISON
PRIMARY EXAMINER